IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 14637 of 2004

Between:

The Divisional Engineer (Operation Town), A.P.S.P.D.C.L, Thiruchanoor Road, Tirupati. **..... PETITIONER**

AND

1. Assistant Provident Fund Commissioner, Sub Regional Office, 1/30, R.S.Road, Kadapa - 516 004.
2. State Bank of Hyderabad, Main Branch, Opp : Municipal Office, Tirupati.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or a Writ of Madamus restraining the first respondent from giving effect to his proceedings No. AP/CP/43252/ENF/CTR/SRO/CDP/2004/4178, dated 31-03-2004 and consequential orders to the second respondent bank vide proceedings No. AP/43252/ENF/CTR/2004/4924, dated 12-07-2004 to remit the EPF contributions.

Counsel for the Petitioner: MR.S.RAVINDRANATH

Counsel for Respondent No.1: MR.R.N.REDDY

Counsel for Respondent No.2: _____

The Court at the admission stage made the following:

ORDER:

When the matter has come up for admission, learned counsel for the petitioner as well as the respondents in one voice submits that against the impugned order, the petitioner can file a review under Section 7-A (4) of the Employees Provident Funds and Miscellaneous provisions Act, 1952 (herein after referred to as 'the Act').

Learned counsel for the respondents further submits that since the petitioner submitted the list of the contract workers engaged by the contractors and as the assessment was made based upon the information furnished, there is no illegality in the order.

Under these circumstances, the writ petition is disposed of at the stage of admission. However, the petitioner is permitted to file a review before the first respondent within a period of two weeks from today and shall furnish a detailed list of contract workers engaged by each contractor including their wages for enabling the first respondent to assess the actual provident fund amount due from the employer. It is needless to add that on filing such review, the first respondent is under obligation to pass appropriate orders. Till such orders are passed, the impugned order shall not be given effect to. No costs.

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(A.GOPAL REDDY, J)

Date: 18-08-2004

ghn/lvl

To

1. Assistant Provident Fund Commissioner, Sub Regional Office, 1/30, R.S.Road, Kadapa - 516 004.

2. Two CD copies.